

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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BENSHOT LLC,

Plaintiff,

v.

Case No. 18-C-1716

2 MONKEY TRADING LLC, et al.,

Defendants.

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**RULINGS ON PLAINTIFF’S OBJECTIONS TO  
DEFENDANTS’ DEPOSITION DESIGNATIONS**

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Plaintiff BenShot, LLC, brought this action against Defendants 2 Monkey Trading LLC, Lucky Shot USA LLC, and Douglas Ingalls, alleging that Defendants deceptively marketed and sold a line of Lucky Shot-branded products as “Made in the USA” in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and Wisconsin common law prohibitions against unfair competition. A jury trial is set to begin on October 11, 2022.

On September 27, 2022, Plaintiff submitted objections to Defendants’ deposition designations. Defendants filed a response on October 7, 2022. One category of objection, in particular, warrants comment. Plaintiff has objected to a number of questions as leading questions. “[O]bjections which go merely to the form of the testimony—as on the ground of leading questions, unresponsiveness, or opinion—must be made at the original hearing when errors can be corrected. On the other hand, objections that go to the relevancy or the competency of the evidence may be asserted for the first time when the former testimony is offered at trial.” McCormick on Evidence § 306; *see also* Fed. R. Civ. P. 32(b), (d)(3)(A). With this in mind, the turns to Plaintiff’s objections to Defendants’ deposition designations. The Court’s rulings on Plaintiff’s objections are included in the following charts.

## 1. Jack Kimmel

| <i>Defendants' Designations</i>  | <i>Plaintiff's Objections</i>   | <i>Plaintiff's Counter-Designations</i> |
|--|---|---|
| 15:16-19   | None  | None                                    |
| 16:9-16  | None  | None                                    |
| 16:23-17:3   | None  | None                                    |
| 17:7-9   | None  | None                                    |
| 18:23-19:2   | None  | 19:3-8, 10-11, 14-16, 18-22             |
| 19:23-20:3   | None  | None                                    |
| 20:17-21:9   | None  | 22:15-22, 25; 23:2-5                    |
| 23:15-22   | None  | 23:23-24:5; 24:9-10, 12-17; 24:21-25:2  |
| 28:3-14<br><b>Overruled</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | 28:15-16                                |
| 28:17-19   | None  | None                                    |
| 31:2-14<br><b>Overruled</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | 31:15-21                                |
| 32:3-14  | None  | 32:18-21; 32:24-33:2                    |
| 34:11-22   | None  | 32:8-10, 13-17; 33:25-34:7              |
| 35:2-9<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness) ( <i>see</i> Keener objections)   | 35:11-12; 35:15-36:1                    |
| 36:25-37:3   | None  | 37:4-6, 10-13                           |
| 40:5-41:4<br><b>Overruled</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections) | None                                    |
| 45:9-24<br>Sustained as to Lines 14-24: His understanding is not what is relevant, the reality is. His answer is based on the hearsay statements of boxes that have not been properly introduced or offered. | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections) | 46:10-11, 15                            |
| 46:23-47:6<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | 47:8-10, 14, 17-18, 22, 24; 48:2-3      |
| 50:24-51:7<br><b>Sustained</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of  | 51:16-52:3                              |

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|--|---|--|
|  | foundation; Speculation; Hearsay ( <i>see</i> counter-designations →)   |  |
| 52:4-10<br><b>Sustained</b>                              | Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections and counter-designations →)   | 52:11-12, 16, 23-24; 53:2-3  |
| 53:8-12<br><b>Sustained</b>                              | Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections)  | 53:5-7   |
| 54:20-55:5<br><b>Sustained</b>                           | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay; Undisclosed, unsupported, and impermissible "expert" opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701-703 ( <i>see</i> Keener objections and counter-designations →) | 56:14-25; 57:2-4; 60:3-7, 11-14; 60:20-61:7                                |
| 58:12-22   | None  | None   |
| 61:8-18<br><b>Sustained: No response from Defendants</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay; Undisclosed, unsupported, and impermissible "expert" opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701-703 ( <i>see</i> Keener objections and counter-designations →) | 61:20-62:1; <i>see also</i> counter-designations to lines 54:20-55:5 above |
| 63:1-12  | None  | None   |
| 66:22-67:7<br><b>Overruled</b>                           | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness) ( <i>see</i> Keener objections)   | None   |
| 68:10-69:3<br><b>Overruled</b>                           | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness) ( <i>see</i> Keener objections)   | None   |
| 69:19-21<br><b>Overruled</b>                             | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | 69:22-25; 70:4-10  |
| 70:13-22 - <b>Overruled</b>                              | Leading contrary to Fed. R. Civ.  | <i>See</i> counter-designations to lines                                   |

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|--|--|---|
|  | P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections and counter-designations to lines 69:19-21 above)  | 69:19-21 above  |
| 71:11-72:5<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections and counter-designations to lines 69:19-21 above)   | 72:6-11; <i>see also</i> counter-designations to lines 69:19-21 above |
| 74:10-75:1<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)  | 75:2-5  |
| 75:6-7   | None   | None  |
| 75:22-76:1   | None   | None  |
| 85:16-24 (counter-designation)<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)  | N/A   |
| 92:10-11(counter-designation)<br><b>Sustained: irrelevant, confusing, 403, no context</b><br><b>No response from Defendants</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Undisclosed, unsupported, and impermissible "expert" opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701-703 ( <i>see</i> Keener objection) | N/A   |
| 92:14-15 (counter-designation)<br><b>Sustained: irrelevant, confusing, 403, no context</b><br><b>No response from Defendants</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Undisclosed, unsupported, and impermissible "expert" opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701-703 ( <i>see</i> Keener objection) | N/A   |
| 109:9-23<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness) ( <i>see</i> Keener objections)  | None  |

|                                   |  |                     |
|-----------------------------------|--|---------------------|
| 110:10-24<br><b>Overruled</b>     | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)  | None                |
| 111:1-3<br><b>Overruled</b>       | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)  | None                |
| 111:8-20<br><b>Overruled</b>      | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)  | None                |
| 111:25-112:6<br><b>Overruled</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)  | 112:14-21           |
| 113:17-114:19<br><b>Overruled</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections and counter-designations →) | 114:20-115:1; 115:4 |

## 2. Chad Maskill

| <i>Defendants' Designations</i>  | <i>Plaintiff's Objections</i>  | <i>Plaintiff's Counter-Designations</i>  |
|--|--|--|
| 16:13-22   | None   | 15:2-16:6; 17:5-15   |
| 21:1-8<br><b>Sustained: irrelevant</b>   | Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections); Violation of decision and order granting Plaintiff's motion for curative relief (DN 132)   | 20:17-25; 21:10-11, 15-16  |
| 27:19-25   | None   | 22:9-22; 25:4-7, 15-25; 26:4-6, 16-20; 26:24-27:3; 27:7-16; 28:10-29:2               |
| 30:6-25<br><b>Sustained</b><br><b>Lines 16-14: irrelevant</b><br><b>Lines 15-25: no foundation</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections and counter-designations →); Violation of decision and order granting Plaintiff's motion for curative relief (DN 132) | 29:23-30:5; 31:2-13, 16; 31:18-32:9; 32:20-33:1; 33:5-6, 8-15; 63:14-17; 63:19-64:21 |
| 34:19-35:1   | None   | 35:5; 36:8-10; 38:1-21; 38:24-39:7, 39:11  |

|                                       |   |  |
|---------------------------------------|---|--|
| 39:13–24<br><b>Sustained: Leading</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness) | None   |
| 40:4–12<br><b>Overruled</b>           | Lack of foundation; Speculation; Hearsay ( <i>see</i> Keener objections)                                      | 40:1–3, 13–15, 19; 40:21–41:3  |
| 42:4–8                                | None  | 41:19–24   |
| 42:18–44:8                            | None  | <i>See</i> counter-designations to lines 42:4–8 above  |
| 44:19–25                              | None  | None   |
| 45:9–24                               | None  | None   |
| 52:19–53:9                            | None  | 52:16–18   |
| 61:12–62:1                            | None  | 61:6–11; 62:2–10   |
| 67:14–68:11                           | None  | 65:12–18; 65:21–66:1   |
| 68:16–17                              | None  | None   |
| 70:13–71:2                            | None  | None   |
| 72:13–25                              | None  | None   |
| 79:14–23<br><b>Overruled</b>          | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness) | 73:1–15, 19–20; 73:22–74:4; 74:7–8; 75:5–6, 10, 12–13, 17; 80:3–7, 12–16, 20–21, 23–24; 81:3–6, 8–12 |

### 3. Austin Oliver

| <i>Defendants’ Designations</i> | <i>Plaintiff’s Objections</i>   | <i>Plaintiff’s Counter-Designations</i>                      |
|---------------------------------|---|--|
| 6:12–21                         | None  | 6:25–7:4   |
| 8:2–4                           | None  | None   |
| 8:9–22                          | None  | None   |
| 9:3–10                          | None  | None   |
| 12:5–11                         | None  | 12:12–17   |
| 12:25–13:4                      | None  | None   |
| 14:1–3                          | None  | None   |
| 14:6–11                         | None  | None   |
| 14:14–22                        | None  | None   |
| 15:2–4                          | None  | None   |
| 15:18–23<br><b>Overruled</b>    | Lack of foundation; Speculation ( <i>see</i> counter-designations →)  | 15:9–12 (indicating that he does not recognize the document) |
| 18:12–18<br><b>Overruled</b>    | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness) | None   |
| 19:13–20:6<br><b>Overruled</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness) | 19:25–20:24  |
| 28:19–23                        | None  | 28:5–11  |
| 40:15–24                        | None  | 40:25–41:2   |

|  |   |                 |
|--|---|-----------------|
| 41:3-10<br><b>Overruled</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None            |
| 41:13-15   | None  | None            |
| 41:18-20   | None  | None            |
| 42:5-10  | None  | None            |
| 42:19-21<br><b>Overruled: objection waived; failure to object where question could have been corrected, no objection to form</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None            |
| 45:8-10  | None  | 45:11-13        |
| 59:19-60:2   | None  | None            |
| 64:9-19<br><b>Overruled (assuming email comes in)</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Hearsay  | 63:5-8          |
| 69:15-25<br><b>Sustained: irrelevant, speculation</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation  | None            |
| 77:17-78:4<br><b>Sustained as to Lines 78:3-4: 403, unclear, ambiguous, vague</b><br><b>But overruled as to the rest</b>         | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Undisclosed, unsupported, and impermissible "expert" opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701-703 | 77:7-14; 78:5-7 |
| 80:20-81:1   | None  | None            |
| 86:12-17<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None            |
| 96:7-16<br><b>Overruled</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None            |
| 97:1-5<br><b>Overruled</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None            |
| 103:19-104:6<br><b>Sustained</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly   | 104:7-10        |

|   |  |             |
|---|--|-------------|
| <p><b>Vague, no personal knowledge</b></p> <p><b>No response to objection by Defendants</b></p> | <p>employee-witness); Lack of foundation; Hearsay; Irrelevant; Unreasonable risks of confusing the issues and misleading the jury, contrary to Fed. R. Evid. 403, given that he cannot identify any other seller, much less any other competitor; Lucky Shot is trying to fabricate “competitors” without any expert opinion or supporting information (e.g., when they entered or exited the market, what their exact product was, where the product was made, who their target market was, what their pricing was, what their sales were (e.g., whether they were <i>de minimis</i>), whether the product was advertised as “Made in the USA,” etc.), contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701–703</p>   |             |
| <p>108:25–109:10</p> <p><b>Sustained</b></p> <p><b>No response from Defendants</b></p>          | <p>Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness); Lack of foundation; Hearsay; Irrelevant; Unreasonable risks of confusing the issues and misleading the jury, contrary to Fed. R. Evid. 403, given that he cannot identify any other seller, much less any other competitor — Lucky Shot is trying to fabricate “competitors” without any expert opinion or supporting information (e.g., when they entered or exited the market, what their exact product was, where the product was made, who their target market was, what their pricing was, what their sales were (e.g., whether they were <i>de minimis</i>), whether the product was advertised as “Made in the USA,” etc.), contrary to Fed. R. Civ. P.</p> | <p>None</p> |



|  |   |      |
|--|---|------|
|  | 26(a)(2) and Fed. R. Evid. 701–703  |      |
| 112:21–113:5<br><b>Sustained: lack of personal knowledge</b>                           | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness)   | None |
| 116:23–117:3<br><b>Sustained<br/>No response from Defendants</b>                       | Lack of foundation; Speculation; Undisclosed, unsupported, and impermissible “expert” opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701–703  | None |
| 129:23–130:7 (counter-designation)<br><b>Sustained<br/>No response from Defendants</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness); Lack of foundation; Speculation; Undisclosed, unsupported, and impermissible “expert” opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701–703 | N/A  |
| 133:18–21  | None  | None |
| 149:6–15<br><b>Sustained: irrelevant<br/>No response from Defendants</b>               | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness); Relevance; Unreasonable risks of confusing the issues, misleading the jury, and wasting time, contrary to Fed. R. Evid. 403                                  | None |

#### 4. Gina Palmer

| <i>Defendants’ Designations</i>                | <i>Plaintiff’s Objections</i>   | <i>Plaintiff’s Counter-Designations</i> |
|--|---|---|
| 8:19–20  | None  | 6:13–7:2; 7:19–24; 8:2–6, 11–15         |
| 9:6–9  | None  | 9:10–18; 10:6–11; 10:24–11:3; 25:8–16   |
| 13:1–3<br><b>Overruled: objection waived</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness) | 13:4–6                                  |
| 13:13–23<br><b>Overruled: objection waived</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants’ friendly employee-witness) | None                                    |
| 16:6–12<br><b>Overruled: objection waived</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid.  | None                                    |

|   |   |   |
|---|---|---|
|   | 611(c) (Defendants' friendly employee-witness)  |   |
| 17:9-18<br><b>Overruled: objection waived</b>     | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None                                      |
| 18:1-9  | None  | None                                      |
| 18:12-19:7<br><b>Overruled: objection waived</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None                                      |
| 22:5-20<br><b>Overruled</b>                       | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Undisclosed, unsupported, and impermissible "expert" opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701-703 | None                                      |
| 22:24-23:1<br><b>Overruled</b>                    | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Undisclosed, unsupported, and impermissible "expert" opinion contrary to Fed. R. Civ. P. 26(a)(2) and Fed. R. Evid. 701-703 | None                                      |
| 32:23-33:8<br><b>Overruled: objection waived</b>  | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | 31:8; 31:10-32:5; 32:14-15, 17-22; 33:2-3 |
| 33:22-34:4  | None  | 34:5-8                                    |
| 35:3-10<br><b>Overruled: objection waived</b>     | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None                                      |
| 41:20-42:12<br><b>Overruled: objection waived</b> | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None                                      |
| 42:20-25<br><b>Overruled: objection waived</b>    | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | None                                      |

|  |   |   |
|--|---|---|
| 43:23–44:2<br><br><b>Sustained: lack of foundation<br/>No response from Defendants</b> | Lack of foundation; Speculation; Hearsay; Violation of decision and order granting Plaintiff's motion for curative relief (DN 132)  | 44:3–15   |
| 44:16–18<br><br><b>Sustained: lack of foundation<br/>No response from Defendants</b>   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness); Lack of foundation; Speculation; Hearsay; Violation of decision and order granting Plaintiff's motion for curative relief (DN 132) | 45:13–46:10; <i>see also</i> counter-designations to lines 43:23–44:2 above |
| 45:1–2<br><br><b>Sustained: lack of foundation<br/>No response from Defendants</b>     | Lack of foundation; Speculation; Hearsay; Violation of decision and order granting Plaintiff's motion for curative relief (DN 132)  | <i>See</i> counter-designations to lines 43:23–44:2 above                   |
| 45:5–9<br><br><b>Sustained: lack of foundation<br/>No response from Defendants</b>     | Lack of foundation; Speculation; Hearsay; Violation of decision and order granting Plaintiff's motion for curative relief (DN 132)  | <i>See</i> counter-designations to lines 43:23–44:2 above                   |
| 47:10–11   | None  | 47:12–14  |
| 53:19–54:8<br><br><b>Overruled: objection waived</b>                                   | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | 53:9–10, 12–18; 54:12–21  |
| 55:3–8<br><br><b>Overruled: objection waived</b>                                       | Leading contrary to Fed. R. Civ. P. 30(c)(1) and Fed. R. Evid. 611(c) (Defendants' friendly employee-witness)   | 55:9–10, 14–18; 56:11–57:6; 60:7–10, 14–17                                  |

Dated at Green Bay, Wisconsin this 10th day of October, 2022.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge